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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 14-0306 WHA
)	CR 08-0222 WHA
Plaintiff,)	
)	UNITED STATES' STATUS UPDATE
v.)	REGARDING DEFENDANT'S REQUEST FOR
)	PRETRIAL RELEASE
LUKE D. BRUGNARA,)	
)	
Defendant.)	

As requested by the Court, the United States hereby submits its status update regarding defendant's request for pretrial release.

On July 29, 2014, the parties appeared before this Court. The United States submitted a binder of exhibits regarding, among other things, the ownership of 224 Sea Cliff Avenue and the equity in that property. At the conclusion of the hearing, the Court ordered the parties to return at 2:45 p.m. the same day for further proceedings regarding the ownership of and equity in 224 Sea Cliff Avenue, including the testimony of certain witnesses regarding those issues. Between the morning proceedings and 2:45 p.m., however, the Courtroom Deputy Clerk informed undersigned counsel that the defense was unable to arrange the appearances of the witnesses, and, therefore, the 2:45 p.m. appearance was vacated. *See*

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1 also Dkt. 65. The clerk asked the parties to confer and to submit a stipulation with a proposed date for
 2 further bail proceedings. Also that day, undersigned government counsel sent an e-mail to defense
 3 counsel asking him to inform government counsel of proposed timing for continued bail proceedings
 4 when the defense knew what that timing might be. Until approximately noon today, government
 5 counsel had not received a response, likely because the proposed surety remained unwilling to sign.

6 At approximately noon today, however, government counsel received a phone call from defense
 7 counsel. Defense counsel stated that the proposed surety, Ms. Brugnara, had changed her mind and is
 8 now willing to sign a bond secured by the residence at 224 Sea Cliff Avenue. Defense counsel stated he
 9 would continue to address issues regarding the equity in that property, and would contact undersigned
 10 government counsel with proposed hearing dates.

11 As undersigned counsel was preparing to file this update, defense counsel filed defendant's Brief
 12 in Response to Court Order Re Continued Bail Hearing. (Dkt. 67.) That document asserts that "Ms.
 13 Brugnara says that she owns" Brugnara VI, the company that owns 224 Sea Cliff. As set forth in the
 14 documents the government presented on July 29, however, there are substantial questions regarding the
 15 ownership of Brugnara VI, and, in turn, 224 Sea Cliff Avenue. Ownership of the only asset securing
 16 potential release is, of course, a vital question, and it cannot be dealt with by just assuming, as the
 17 defense appears to contend, that it has to be owned by either defendant or Ms. Brugnara so having them
 18 both sign is close enough. The government established real questions regarding ownership. The
 19 defense requested time to review the supporting documents. *See* Dkt. 65. It has had that time, and
 20 should establish ownership, as well as equity, at the next hearing.

21 DATED: August 8, 2014

22 /s/
 23 W, DOUGLAS SPRAGUE
 24 BENJAMIN KINGSLEY
 25 Assistant United States Attorneys
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